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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. ESP-02001)

In the Application of:

KOSLAR et al.

Serial No: 10/067,793

Filed: February 08, 2002

Title: Signal Transmission Method with Frequency
and Time Spreading



) Group Art Unit: 2631

) Examiner: Not Yet Assigned

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MAY 29 2002

Assistant Commissioner for Patents
Washington, DC 20231

OFFICE OF PETITIONS

**RESPONSE TO DETERMINATION OF INFORMAL APPLICATION
&
PETITION UNDER 37 CFR § 1.53(e) IN RELATION TO OMITTED ITEMS**

Dear Sir:

In the Notice to File Missing Parts of Non-provisional Application dated March 6, 2002 (hereafter "Notice") the following issues were raised:

- (1) The oath or declaration was missing;
- (2) The application was deemed informal for failure of the drawings to comply with the provisions of 37 CFR 1.84(o); and,
- (3) Figures 4, 5, 6, and 8 were deemed omitted from the application.

Each of these issues is addressed in order below.

1. Applicants do not file the missing oath or declaration at this time. Applicants intend to file such at a later date, along with the appropriate petition (and requisite fee) for an Extension of Time under 37 CFR 1.136(a).

05/06/2002 MBERHE 00000021 10067793

130.00 OP
1 FC:122

Adjustment date: 08/16/2002 AKELLEY

05/06/2002 MBERHE 00000021 10067793

-130.00 OP
01 FC:122

Refund Ref: 08/16/2002 AKELLEY 00000021
CHECK Refund Total: \$130.00

2. Applicants file herewith a substitute set of informal drawings, comprising 22 sheets. Drawing sheets 9, 10, 11, and 17- 22 have been amended to remove "excessive text." Mark-ups of these sheets are also submitted herewith showing the changes made. The other drawings comply with the provisions of 37 CFR § 1.84 as properly applied to informal drawings.

3. Applicants contend through the attorney of record that Figures 4, 5, 6, and 8 (as respectively found on sheets 4, 5, 6, and 8 of the informal drawings) **were** in fact deposited in the U.S. Patent and Trademark Office with the non-provisional application papers. Accordingly, applicants petition the Office under 37 CFR § 1.53(e) and submit herewith a copy of the Notice and a petition fee of \$130.00, as required by 37 CFR § 1.17(h).

The undersigned attorney of record also submits herewith a copy of the date-stamped postcard receipt received from the Office upon deposit of the non-provisional application papers. On February 8, 2002, the undersigned attorney hand-delivered the application papers to the Office's Drop-Off window and received the date-stamped postcard as receipt of the filed papers. The receipt clearly indicates "Drawings (22 sheets)." In fact, 22 numbered drawings sheets were personally checked by the undersigned attorney before submission to the Office. Copies of the non-provisional application papers retained in the attorney's file further confirm that 22 drawing sheets were included in the application as filed.

Applicants, thus, request that the original U.S. filing date of February 8, 2002 be maintained.

Respectfully submitted,

Stephen R. Whitt

Stephen R Whitt
Reg. No. 34,753
703-433-9208

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Date: 3 May 2002